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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/028,941

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Larry Russell

PW-0278623

3834

47953

7590

11/18/2005

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EXAMINER

BLACK, LINH

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/028,941	Applicant(s) RUSSELL, LARRY	
	Examiner LINH BLACK	Art Unit 2167	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-22.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☒ Other: See Continuation Sheet.

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Continuation of 3. NOTE: the amended claims 1, 12, and 18 require further searches and reconsideration.

Continuation of 13. Other: Examiner does not have access to change the registration information such as the docket number for the Applicants on PALM system. However, examiner has forwarded an e-mail to a docket clerk to request for more information on the issue.


Examiner cannot have the Applicants' After Final Amendment dated 11/3/05 partially entered. The amendment cannot be entered because the newly amended limitations "said information comprising at least one member selected from the group consisting of: information regarding at least one product of the at least one exhibitor; and information regarding at least one service provided by the at least one exhibitor" in the independent claims 1, 12, and 18 require further searches and considerations.

Regarding the Applicants' arguments on page 7 of the After Final Amendment document dated 11/3/05 about the crowded art and the patentability of the prior art used, the Examiner finds that the differences between issued patents are not materials to the examination of the patent applications. The only relevant issues are the claims and the applicability of the prior art to those claims.

Regarding the Applicants' arguments on page 8, second last paragraph, the examiner finds that evidence of a suggestion, teaching, or motivation to combine prior art references may flow, inter alia, from the references themselves, the knowledge of one of ordinary skill in the art, or from the nature of the problem to be solved. See *In re Dembiczak*, 175 F.3d 994, 1000, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

On page 7, second last paragraph, Applicants state that "the instant invention teaches a method for managing exhibitor information for the benefit of the visitors...The present invention teaches disclosing the collected information to the public or the attendees/visitors of a tradeshow". Examiner finds that limitation in claim 1 is "collecting the information from at least one exhibitor via solicitation; compiling the collected information into an electronic database", Pekowski et al. (US 6557007) do teach these limitations - col. 1, lines 35-54; fig. 2, items 32, 66, 62; figs. 4-6, items 162, 204, 230-282; col. 7, line 53 to col. 8, line 28 (where all information related to shows are gathered and saved to the database). However, Pekowski et al. do not explicitly disclose, "distributing the database in an electronic medium to a tradeshow attendee". However, the limitation distributing the database in an electronic medium to users/buyers/customers/etc...is not novel in the art. Edurk et al. teach "hand-on kit interactive software learning system" - the title. Edurk et al. also teach "A CD-ROM 40 is depicted in FIG. 3.

It holds the database content 24 and a software program that directs the project. The database content 24 complements the kit activities. Alternatively, the database content could be distributed by other low-cost means, for example magnetic media or over the Internet. The preferred embodiment of the present invention is to distribute the software program and content database via CD-ROM" - col. 8, lines 8-15. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Pekowski et al.'s teaching with Edurk et al.'s teaching in order to allow different methods of tradeshow's information be distributed to more clienteles/tradeshow attendees and to users/attendees who do not have Internet access, for example. However, regarding the Applicants' argument that "if tradeshow visitors were allowed to access the database, the (unintentional) orders placed would have to be charged and delivered to one or more exhibitors and would greatly disrupt the show". Examiner finds that the users/attendees can only access the database on the CD distributed to users. Users/attendees do not have access to the central computer when access information on the database in the CD-ROM.


Primary Examiner